

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Shawn Gregory Barnard,

Case No. 1:20-cv-944

Petitioner,

v.

ORDER

Keith J. Foley, Warden,

Respondent.

Before me is the June 28, 2023 Report and Recommendation of Magistrate Judge Darrell A. Clay, recommending I deny *pro se* Petitioner Shawn Gregory Barnard's¹ petition for a writ of habeas corpus under 28 U.S.C. § 2254 because Barnard's claims are procedurally defaulted or not cognizable in federal habeas proceedings. (Doc. No. 11).

Under the relevant statute, “[w]ithin fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court.” 28 U.S.C. § 636(b)(1); *United States v. Walters*, 638 F.2d 947, 949 (6th Cir. 1981). The deadline to file objections was July 12, 2023. The petitioner has not filed any objections and that deadline has passed.

The failure to file written objections to the Magistrate Judge's Report and Recommendation constitutes a waiver of a determination by the district court of an issue covered in the report.

¹ Barnard currently is incarcerated at the Grafton Correctional Institution in Grafton, Ohio, where Keith J. Foley is the Warden. The Clerk of Court is ordered to substitute Foley as the Respondent in this case. *See* Fed. R. Civ. P. 25(d).

Thomas v. Arn, 728 F.2d 813, 815 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also Walters*, 638 F.2d at 950; *Smith v. Detroit Fed'n of Teachers, Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (“[O]nly those specific objections to the magistrate’s report made to the district court will be preserved for appellate review”).

Following my review of the Magistrate Judge’s Report and Recommendation, I accept Judge Clay’s recommendation. Further, I certify there is no basis on which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed. R. App. P. 22(b).

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge